



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

APR 14 2005

REPLY TO THE ATTENTION OF:

DE-9J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
AND REGULAR MAIL

Jeffrey M. Pocisk
Plummer's Environmental Services, Inc.
10075 Sedroc Industrial Dr.
Byron Center, Michigan 49315

Re: Off-Site Rule Initial Determination of
Unacceptability for One Unit and Acceptability for
Another Unit
Plummers Environmental Services, Inc.
MIK 111 229 563

Dear Mr. Pocisk:

This letter is in reply to the January 26, 2005 letter to Mr. William Damico regarding the Plummers Environmental Services, Inc. request for off-site rule acceptability.

My staff has reviewed Plummers Environmental Services, Inc. request for acceptability according to the criteria in 40 CFR § 300.440 (b). During the review, we determined that there are two receiving units at your facility. One receiving unit is the portion of the facility that receives liquid wastewaters, treats them and then discharges the treated wastewaters to the local wastewater treatment works through the sanitary sewers. We are designating this unit as the wastewater treatment unit. The second receiving unit is the waste solidification pit in which liquid and solid wastes can be consolidated with drying agents for purposes of subsequent land disposal. We are designating this unit as the waste solidification unit.

Based on the review conducted, the wastewater treatment unit has no relevant violations or releases to the environment. Therefore, the wastewater treatment unit at Plummers Environmental Services, Inc. located at 10075 Sedroc Industrial Dr., Byron Center, Michigan is acceptable to receive non-hazardous wastes from CERCLA sites.

However, according to the Michigan Department of Environmental Quality, the waste solidification unit does not have the necessary permits to operate. We have determined that the failure to have the necessary permits is a relevant violation as described in 40 CFR § 300.440 (c). Therefore, the waste solidification unit is unacceptable to receive CERCLA waste as defined in 40 CFR § 300.440 (a). At such time as this unit obtains all the necessary permits from the Michigan Department of Environmental Quality, you again may request that this unit be determined to be acceptable.

On September 22, 1993, the Procedures for Planning and Implementing Off-Site Response Actions (Off-Site Rule) was published in the Federal Register (58 Fed. Reg. 49200). The purpose of the Off-Site Rule is to ensure that wastes from CERCLA sites are sent to environmentally sound facilities and do not contribute to future environmental problems. The Off-Site Rule was codified in the National Oil and Hazardous Substances Pollution Contingency Plan at 40 C.F.R. § 300.440, and supersedes the previously published Off-Site Policy and guidance. See also, CERCLA Section 121(d)(3), 42 U.S.C. 9621(d)(3). A copy of the Off-Site Rule is enclosed for your review.

The Off-Site Rule provides the facility owner or operator an opportunity to request an informal conference with the U.S. EPA Region 5 staff and legal counsel to discuss the basis for a unit's unacceptability determination. The informal conference request must be made within 10 calendar days from the date of this letter. In addition to, or instead of requesting such a conference, you may submit written comments within 30 calendar days from the date of this letter.

If an informal conference is held or written comments are submitted, U.S. EPA will inform the facility owner or operator whether or not the information is sufficient to show that the unit is operating in compliance. Unless U.S. EPA determines that the information provided is sufficient, the unit will remain unacceptable.

If your waste solidification unit is determined to be unacceptable after the informal conference and/or the submission of written comments, you may request that the Regional Administrator reconsider this unacceptability determination. Such a request must be made in writing within 10 calendar days after you hear from the U.S. EPA Regional office, following the informal conference or submittal of written comments.

This letter is being sent to you by both certified and first class mail, return receipt requested, in order to ensure that you receive it promptly. If you wish to request an informal conference, or submit written comments, or if you have any questions regarding this letter, you may write to William Damico, of my staff, at U.S. EPA Region 5, 77 West Jackson Blvd., DE-9J, Chicago, Illinois 60604, or call him at 312-353-8207.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Guerriero', with a stylized flourish at the end.

Margaret M. Guerriero, Director
Waste Pesticides and Toxics Division

enclosure

cc: Dale DeKraker, Michigan Department of Environmental Quality
Myron Erickson, City of Wyoming